

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Donald Kopchak, being duly sworn, hereby state as follows:

1. I am a Detective with the Cleveland Police Department, and I am currently assigned as a Task Force Officer the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), and have been since June 15th, 2018.
2. As a Task Force Office of the ATF, I am an investigative law enforcement officer of the United States of America within the meaning of Title 18 U.S.C. 2510(7). I am empowered to conduct investigations and to make arrests for federal felony offenses.
3. I have been employed by the City of Cleveland Division of police, as a police officer for 15 years. I have been a Detective for seven of those fourteen years. Since June 15th, 2018, your affiant has been assigned to the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), as a Task Force Officer. During that time, your Affiant has been assigned to investigate activities of drug trafficking organizations, drug-related gang and violent crime activities, and other criminal offenses. As a Cleveland Vice detective and a Task Force Officer, your Affiant has participated in narcotics/drug enforcement, and the dismantlement of mid-level to upper-level drug trafficking organizations. Your Affiant has planned and executed long-term investigative operations which have led to the disruption and dismantlement of criminal street gangs whose revenues centered primarily involving the trafficking and distribution of illicit drugs. Those investigative operations have included undercover operations and Title III intercepts of telephone communications and activities.
4. As a Cleveland police detective and a Task Force Officer, your Affiant completed basic narcotics level training through HIDTA and Midlevel Narcotics school in Dallas Texas. Your Affiant also received additional training in both drug and gang investigations at the HIDTA

training facility, as well as numerous training seminars in Cleveland, and Brooklyn Heights, Ohio. Your Affiant has received field training and accrued practical experience in advanced drug-related investigative techniques, which include, but are not limited to, surveillance, undercover operations, interview and interrogation techniques, informant recruitment and control, search warrant and case preparation, and interception and analysis of recorded conversations. Your Affiant has been involved in hundreds of controlled purchases of drug evidence and subsequent arrests of defendants charged with drug-related crimes. Your Affiant has participated as an undercover officer during investigations, and has supervised the activities of informants who have provided information concerning controlled substances and, purchased controlled substances, and supervised consensual monitoring in connection with these investigations. Your Affiant is aware from experience that drug traffickers often use cellular telephones to plan various aspects of their drug trafficking and to set up drug transactions. In addition, your Affiant has utilized various forms of electronic and digital tracking technology to assist in various forms of criminal investigation.

5. I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, section 2510(7), in that I am empowered by law to conduct investigations and make arrests for offenses enumerated in Title 18, United States Code, Section 2516.

6. This affidavit is being submitted for the limited purpose of establishing probable cause that Sabion SMITH, has violated federal law Title 18, U.S.C. § 922(g)(1) – Felon in Possession of Firearms and Ammunition.

7. As such, this affidavit does not include every fact known to your Affiant regarding this investigation, but will seek to summarize the relevant information. The statements made in this affidavit are based in part on information provided by members of the Cleveland Police Department. Your Affiant is familiar with the facts and circumstances of the offenses described in this Affidavit based upon Affiant's obtaining information from law enforcement, and from Affiant's personal observations and conversations. Unless otherwise noted, whenever in this Affidavit your Affiant asserts that a statement was made, the information was provided by another law enforcement officer (who may have had either direct or hearsay knowledge of the statement) to whom Affiant has spoken or whose forms Affiant has read and reviewed. Likewise, any information pertaining to vehicles and/or registrations, personal data on subjects, and record checks has been obtained through law enforcement databases.

PROBABLE CAUSE

8. On February 2nd, 2022, your affiant and assisting agents executed two federal search warrants at 2370 North Taylor Road, Cleveland Heights Ohio (1:22MJ4047) and 1778 Alcoy Road, Cleveland Ohio (1:22MJ4051).

9. Affiant avers that member EDGE SWAT teams executed the federal search warrant for narcotics at 2370 North Taylor Road, Cleveland Heights Ohio at 0545 hours. EDGE SWAT team made entry and located Sabion SMITH and Charade MOBLEY as well as three juveniles, SMITH and MOBLEY were detained. Once agents and Task force officers entered the residence, SMITH stated there is nothing in here but my gun upstairs and her (referring to MOBLEY) gun in the kitchen. SMITH was advised of his Miranda rights which he stated he understood.

10. During the search of the residence, you affiant located a Glock firearm model 20 bearing serial number BLXN431 in SMITH's bedroom on his bed. The firearm was loaded with

10mm rounds of ammunition. Your affiant also located several boxes of ammunition in the residence including .556 ammunition in the kitchen.

11. Task Force Officer Orlando Almonte asked SMITH if he knows he is not able to possess a firearm. SMITH responded that he knows he is not able to possess a firearm but keeps it for protection. Your affiant asked SMITH about the .556 rounds and SMITH stated he goes to the shooting range a lot to shoot a rifle. Agents and TFO's also located several digital scales with heavy drug residue as well numerous suspected Fentanyl pills.

12. Your affiant also located a Ruger, model LCP, 380 firearm bearing serial number 375-70971, in the kitchen. SMITH knew where the firearm was and stated, "that thing is a piece of shit," but insisted the firearm was not his. The firearm was loaded and accessible to anyone in the residence.

13. While agents were executing the federal warrant at 2370 North Taylor Road, Cleveland Heights Ohio, assisting TFO's and Agents executed the federal document warrant at 1778 Alcoy Road, Cleveland Ohio (1:22MJ4051). EDGE Swat Team made entry at 1778 Alcoy Road; however no one was present at Alcoy.

14. While Agents and TFO's were searching the residence they located an AR Pistol that did not have a serial number or a make or model. Agents and TFO's also located a large amount of suspected fentanyl pills.

15. TFO Orlando Almonte informed SMITH that 1778 Alcoy Road was also being searched. SMITH informed TFO Almonte that what ever you find in there in his. TFO Almonte then asked SMITH about the rifle and the suspected pills. SMITH then requested his lawyer and the interview was ended.

16. SA Joshua Snyder inspected the Glock, model 20 firearm bearing serial number BLXN431 and the Ruger, model LCP firearm bearing serial number 375-70917 and found that neither firearm was manufactured in the State of Ohio thus, both firearms have traveled in interstate and/or foreign commerce in order to be found in the State of Ohio.

17. I have reviewed SMITH's criminal history and learned that he is a convicted felon who is federally prohibited from possessing firearms and ammunition. Specifically, he was convicted in 2020 of Drug Trafficking, a Felony of the 3rd Degree, in Cuyahoga County Court of Common Pleas case CR-19-639237-C

18. Based on the preceding, I believe that probable cause exists to believe that Sabion SMITH has violated Title 18 U.S.C. § 922(g)(1) – Felon in Possession of Firearms and/or Ammunition.



TFO Donald Kopchak
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn and subscribed to before me
this 04th day of February, 2022.



JONATHAN D. GREENBERG
UNITED STATES MAGISTRATE JUDGE

